

No. 9/5/84-Lab/6906.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of M/s The Hansi Spinning Co-op. Mills Ltd., Hansi.

BEFORE SHRI B. P. JINDAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK

Reference No. 131 of 1984

between

SHRI BANSI DHAR, WORKMAN AND THE MANAGEMENT OF M/S THE HANSI SPINNING CO-OP. MILLS LTD., HANSI

Present :—

Workman in person.

Shri M. Kaushal, A. R. for the management.

#### AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute between the workman Shri Bansi Dhar and the management of M/s The Hansi Co-op. Spinning Mills Ld., Hansi, to this Court, for adjudication,—vide Labour Department Gazette Notification No. 28149-53, dated 3rd August 1984 :—

Whether the termination of services of Shri Bansi Dhar is justified and in order? If not, to what relief is he entitled?

2. After receipt of the order of reference, notices were issued to the parties. The parties appeared. The case of the workman is that, he was employed with the respondent as a Dispenser on monthly wages of Rs 525 since 5th June, 1979, but the respondent chose to terminate his services without any prior notice or retrenchment compensation on 15th October, 1983, in flagrant disregard of the provisions of the Industrial Disputes Act, 1947.

3. In the reply filed by the respondent, the claim of the workman has been controverted *in toto*. Various pleas were projected, which need not be detailed, because this reference is being answered on grounds other than merits.

4. On the pleadings of the parties, the following issues were settled for decision by me on 24th April, 1985 :—

1. Whether this Court has no jurisdiction to try this reference in view of the provisions of sections 102 and 128 of the Haryana Co-operative Societies Act, 1984?
2. Whether the applicant is a workman as defined in section 2(s) of the I. D. Act, 1947?
3. Whether the reference is bad in law? OPR
4. Whether the workman remained gainfully employed after his alleged termination? OPR
5. Whether the termination of services of Shri Bansi Dhar is justified and in order? If not, to what relief is he entitled?

5. Before any evidence could be adduced, a settlement was arrived at, whereunder the management has agreed to reinstate the workman with benefit of previous service and has paid a sum of Rs 1,000 to the workman in lieu of back wages. The workman has since resumed his duties with effect from 2nd July, 1985. Settlement arrived at has been incorporated in the settlement deed Exhibit S-1. So, now, nothing survives for adjudication. The reference is answered and returned accordingly. There is no order as to cost.

Dated the 31st July, 1985.

B. P. JINDAL,  
Presiding Officer,  
Labour Court, Rohtak,  
Camp Court, Hissar.

Endst. No. 131-84/1186, dated the 7th August, 1985

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,  
Presiding Officer,  
Labour Court, Rohtak,  
Camp Court, Hissar.